

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:05 CR 470 CDP
)	DDN
FERNANDO VALENCIA and)	
NOE GUEVERA,)	
)	
Defendants.)	

**ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

This action is before the Court upon the pretrial motions of defendant Fernando Valencia which were referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b). An evidentiary hearing was scheduled for October 5, 2005.

On October 5, 2005, defendant Fernando Valencia appeared in open court, with counsel, and advised the undersigned that he had decided not to raise any issues by way of pretrial motions. He thereupon waived his rights to file pretrial motions and to have a pretrial hearing. Upon this record,

IT IS HEREBY ORDERED that the motion of defendant Valencia for disclosure of impeaching information (Doc. 42) is denied as moot.

IT IS HEREBY RECOMMENDED that the motions of defendant Valencia to suppress post-arrest statements (Doc. 40) and to suppress evidence (Doc. 41) be denied as moot.

The parties are advised they have ten (10) days to file written objections to this Order and Recommendation. The failure to file objections may result in a waiver of the right to appeal issues of fact.

ORDER SETTING TRIAL DATE

As directed by the District Judge, this matter is set for a jury trial on the docket commencing November 7, 2005, at 9:00 a.m.

A handwritten signature in cursive script, reading "David D. Noce". The signature is written in dark ink and is positioned above a horizontal line.

DAVID D. NOCE
UNITED STATES MAGISTRATE JUDGE

Signed on October 5, 2005.